

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

DERRON W. SMITH-JOHNSON,

Defendant.

Case No. 3:22-CR-30045-NJR-1

ORDER REDUCING SENTENCE

ROSENSTENGEL, Chief Judge:

Now before the Court is Defendant Derron W. Smith-Johnson's Motion for Sentence Reduction (Doc. 53) pursuant to 18 U.S.C. § 3582(c) and the United States Sentencing Guidelines Manual § 1B1.10, making Amendment 821 retroactive. The Government does not oppose the motion. (Doc. 55).

The parties agree that Defendant Smith-Johnson is eligible for a reduction under Part A of Amendment 821, which amended § 4A1.1(e) (2023) and concerns criminal history points ("status points") awarded because a defendant was under a criminal sentence when he or she committed the offense of conviction. Smith-Johnson's total offense level at sentencing was 23, and his criminal history category was VI, which provided for a guideline range between 92 and 115 months. There was a 20-year mandatory minimum. The Court imposed a sentence of 104 months—in the middle of the guideline range. (*See* Doc. 45). Under Amendment 821, Smith-Johnson's criminal history category is reduced from VI to V. Thus, the guideline sentencing range is lowered

to a range of 84 to 105 months. With this lowered range, the parties agree that a sentence reduction from 104 to 95 months is appropriate.

The Court agrees. Upon consideration of the Defendant's motion under 18 U.S.C. § 3582(c)(2) for a reduction of sentence pursuant to Part A of Amendment 821 to the Sentencing Guidelines, and considering the policy statement set forth at U.S.S.G. § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), the Court **GRANTS** Defendant Smith Johnson's motion (Doc. 53) and **ORDERS** that his sentence be reduced to a term of **95 months**. All other terms of the judgment in this case shall remain unchanged. This Order shall take effect on **February 1, 2024**.

IT IS SO ORDERED.

DATED: January 10, 2024

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive, flowing style. A circular official seal is partially visible behind the signature, showing the words "U.S. DISTRICT COURT" and "DISTRICT OF NEW JERSEY".

NANCY J. ROSENSTENGEL
Chief U.S. District Judge